Bohlen in 20 HARV. L. REV. 14, 91–93. The employer should therefore be liable whether or not the servant by doing him the favor hopes to retain his position.

NEGLIGENCE — DUTY OF CARE — ELECTRIC WIRES: DUTY OF ELECTRIC COMPANY TO LICENSEE ON LAND OF THIRD PARTY. — A fireman entering a city hall in the course of his duties in order to extinguish a fire was killed by contact with a pipe which had become charged with electricity through the negligence of the defendant company, which had wired the hall. His administrator now sues. *Held*, that he may recover. *Barnett* v. *Atlantic City El. Co.*, 93 Atl. 108 (N. J.).

It is settled that a fireman is a mere licensee. See cases collected in 35 L. R. A. N. S. 60. The decision in the principal case takes the ground that the special exemption by virtue of which the landlord is not required to use ordinary care in regard to the condition of his premises does not shield third parties. *Commonwealth Elec. Co.* v. *Melville*, 210 Ill. 70, 70 N. E. 1052; *Day* v. *Consolidated, etc. Co.*, 136 Mo. App. 274, 117 S. W. 81. This idea has been applied even where the plaintiff may have been a trespasser. *Caglione* v. *Mt. Morris Elec. Lt. Co.*, 56 N. Y. App. Div. 191, 67 N. Y. Supp. 660; *Connell* v. *Keokuk, etc. Co.*, 131 Ia. 622, 109 N. W. 177. See also *Guinn* v. *Delaware, etc. Co.*, 72 N. J. L. 276, 62 Atl. 412. In other jurisdictions the electric company's duty has been held no greater than the landowner's. *McCaughna* v. *Owosso, etc. Co.*, 129 Mich. 407, 89 N. W. 73. And this view has been applied where the defendant itself was at most a licensee at sufferance. *Cumberland, etc. Co.* v. *Martin's Adm'r*, 116 Ky. 554, 76 S. W. 394, 77 S. W. 718. Other states hold the electric company liable to a mere licensee, irrespective of its status, on the theory that electricity is such a dangerous agency that even the landlord would be so liable. *Wittleder* v. *Citizens', etc. Co.*, 50 N. Y. App. Div. 478, 64 N. Y. Supp. 114. *Augusta Ry. Co.* v. *Andrews*, 92 Ga. 706, 19 S. E. 713. *Cf. Davoust* v. *City of Almeda*, 149 Cal. 69, 84 Pac. 760. Some courts apply this theory even in favor of technical trespassers. *Lynchburg Telephone Co.* v. *Bokker*, 103 Va. 595, 50 S. E. 148; *Newark, etc. Co.* v. *Garden*, 23 C. C. A. 649, 78 Fed. 74. *Contra*, *Augusta Ry. Co.* v. *Andrews*, 89 Ga. 653, 16 S. E. 203. Several authorities, on the other hand, take the ground that if the plaintiff touches the defendant's wires he may thereby assume the status of a licensee or a trespasser toward the defendant and as such be denied recovery. *New Omaha, etc. Co.* v. *Anderson*, 73 Neb. 49, 102 N. W. 89; *Rodger's Adm.* v. *Union, etc. Co.*, 123 S. W. 293 (Ky.); *City of Greenville* v. *Pitts*, 102 Tex. 1, 107 S. W. 50. *Cf. Hector* v. *Boston Elec. Lt. Co.*, 161 Mass. 558, 37 N. E. 773. But on the whole the result in the principal case seems fair, in spite of the argument that the landowner's exemption should extend to anyone who works on his premises for his benefit.

POLICE POWER — NATURE AND EXTENT — STATUTE REGULATING THE PRIVATE USE OF INTOXICANTS. — The defendant was convicted under a Kentucky statute making it a crime to keep liquor elsewhere than in the owner's private residence. *Held*, that the statute is unconstitutional. *Commonwealth* v. *Smith*, 173 S. W. 340 (Ky. Ct. App.).

Kentucky had previously held unconstitutional a similar inhibition applying to private residences. *Commonwealth* v. *Campbell*, 133 Ky. 50, 117 S. W. 383. So this decision has at least the merit of consistency. In so far as these cases rest upon limitations upon legislative power in the state constitution, the conclusion cannot profitably be criticised. But the court also took the broad ground that regulation of private use of intoxicants is outside the police power. This view has support. *Ex parte Brown*, 38 Tex. Cr. 295, 42 S. W. 554; *State* v. *Gilman*, 33 W. Va. 146, 10 S. E. 283; *State* v. *Williams*, 146 N. C. 618, 61 S. E. 61; *Eidge* v. *Bessemer*, 164 Ala. 599, 51 So. 246. Other cases apparently